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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 18 April 2002 from the Permanent Mission of Malta to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Malta to the United Nations presents it compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to refer to note dated 7 March 2002 and to enclose the attached report on the steps taken by Malta to implement resolution 1390 (2002) (see annex).

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Annex to the note verbale dated 18 April 2002 from the Permanent Mission of Malta to the United Nations addressed to the Chairman of the Committee

Report to the Security Council Committee established pursuant to resolution 1267 (1999) on Malta's implementation of resolution 1390 (2002)

- **Implementation of Paragraph 2 (a)**

Under Maltese legislation, the obligation to freeze the funds and other financial assets or economic resources of Usama bin Laden, members of the Al-Qaida Organization and the Taliban and other individuals, groups, undertakings and entities associated with them as included in the list created pursuant to resolution 1267 (1999) and 1333 (2000) emanates from a number of Legal Notices which have been issued under the National Interest (Enabling Powers) Act of 1993 as follows:

1. Legal Notice 214 (1999)[1]. This Legal Notice was issued to implement Resolution 1267 (1999). Paragraph 4 (2) makes it an offence for a citizen of Malta or any person in Malta to:

   i. withdraw or attempt to withdraw or use or attempt to use any funds or other financial resources owned or controlled by the Taliban, or by any undertaking owned or controlled by the Taliban;

   ii. pay or attempt to pay, to or for the benefit of the Taliban or any undertaking owned or controlled by the Taliban.

2. Legal Notice 22 (2001)[2]. This Legal Notice was issued to implement Resolution 1333 (2000). Paragraph 4 (5) specifically stipulates that:

   "Any funds or other financial assets of Usama bin Laden and individuals and entities associated with him as designated by the Committee[3], including those in the Al-Qaida organization, and funds either derived or generated from property owned or controlled directly or indirectly by Usama bin Laden and individuals associated with him, are immediately frozen and cannot be in any way transferred to the persons or entities herein before referred to".

   Paragraph 4 (6) of the same Legal Notice prohibits citizens of Malta and persons in Malta from transferring any funds or other financial resources as referred to in paragraph 4(5) above for the benefit of Usama bin Laden, his associates or any entities owned or controlled by Usama bin Laden or individuals and entities associated with him, including the Al-Qaida organization.

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[1] Forwarded to the Committee through N.V. dated February 4, 2000.
[2] Forwarded to the Committee through N.V. dated February 20, 2001
[3] Committee established pursuant to paragraph 6 of resolution 1267 (1999).

3. The consolidated list of persons and entities as drawn up by the Committee established pursuant to paragraph 6 of resolution 1267 (1999) and as regularly updated by the Committee is published in the Government Gazette as a Government Notice. On 1st February 2002 a revised consolidated list taking into consideration all the additions/deletions made up to that date by the UN Afghanistan Sanctions Committee, was published in the Government Gazette. The publication of this list superseded all previously published lists.

More detailed information on this aspect of implementation of paragraph 2 (a) was presented in the report which Malta submitted to the Counter-Terrorism Committee pursuant to resolution 1373 (2001)[4]. In this regard, kindly refer to the answer given in Malta's CTC Report under the heading 'Operative Paragraph 1 sub-paragraph (a)'.

- **Implementation of Paragraph 2 (b)**

The prevention of entry or transit through Maltese territory of the persons indicated in the list issued by the Committee established pursuant to resolution 1267 (1999) was implemented through administrative measures. The list (with consequent additions and deletions) has been brought to the attention of the Immigration Service and is inputted in a computerized system of entries. Each and every arriving passenger at all points of entry is checked against this system to ensure detection.

- **Implementation of Paragraph 2 (c)**

Malta is in the process of adopting legislation to implement the measure stipulated in this paragraph so as to be in full compliance therewith.

At present Maltese legislation prohibits the supply, sale or transfer to the territory of Afghanistan under Taliban control as designated by the Committee of:

i. any arms or related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment or spare parts for the aforementioned, or use of any vessel or aircraft registered in Malta;
ii. technical advice, assistance or training related to the military activities of the armed personnel under the control of the Taliban;
iii. acetic anhydride

The above-mentioned prohibitions emanate from Legal Notice 22 (2001)[5].

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[4] S/2001/1282

[5] Forwarded to the Committee through N.V. dated February 20, 2001